

Remarks

Claims 1-53 are pending. Claims 17-27 are rejected. Claims 1-16, and 28-53 are withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 23-27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 23-27 are amended to recite phrase “skin care agent” instead of “skin care active” per the Examiner’s suggestion. Applicant believes these rejections are moot.

Rejections under 35 U.S.C. 102

Claims 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 93/09800 A1 by Ruoslahti et al. (WO 800).

Claim 17 defines a cosmetic, pharmaceutical, or dermatological skin care composition that promotes the regeneration of skin of a mammal where the skin is absent a dermal wound. The composition comprises a proteoglycan compound from about 0.0001% to about 10% by weight of the total composition. The proteoglycan can be fibromodulin (FM), lumican, decorin, biglycan, or combinations thereof.

WO 800 describes using decorin or a functional equivalent of decorin for reducing scarring in a dermal wound. WO 800 does not describe or teach a composition comprising a proteoglycan about 0.0001% to about 10% by weight of the total composition that is effective for skin generation in a skin absent dermal wound. Therefore, claim 17 is patentably allowable over WO 800 under 35 U.S.C. 102(b). Claims 18-22 depend from claim 17 and are patentably allowable over WO 800 under 35 U.S.C. 102(b) for at least the same reason.

Rejections under 35 U.S.C. 103

Claims 17-27 are rejected under 35 U.S.C. 103(a) as being obvious over WO 800.

Claim 17, discussed above, defines a composition that is effective for skin regeneration of mammal absent a dermal wound that comprises a proteoglycan in an amount of proteoglycan from about 0.0001% to about 10% by weight of the total composition. In contrast, WO 800 teaches reducing scarring in a dermal wound by using decorin or a functional equivalent thereof. There is no teaching in WO 800 a composition including a proteoglycan can be effective for skin regeneration of a mammal of absent a dermal wound. Nor does WO 800 teach composition including a proteoglycan from about 0.0001% to about 10% by weight of the total composition can be effective for skin regeneration of a mammal of absent a dermal wound.

The Examiner alleges that the limitation “absent a dermal wound” recited in claim 17 carries no patentability weight because this phrase adds no structural limitation to the claimed composition. Applicants respectfully disagrees. For example, reduction of scarring in a dermal wound is associated with the dermal wound healing process and directed to inhibit overgeneration of disorganized dermal matrix. In contrast, a skin absent dermal wound may not involve a dermal wound healing process. Therefore, WO 800 would not lead an ordinary skill in the art to the composition defined by claim 17 for skin regeneration of a mammal skin absent a dermal wound, and claim 17 is not obvious over WO 800. As such, claim 17 is patentably allowable over WO 800 under 35 U.S.C. 103(a). Claims 18-27 depend from claim 17 and are patentably allowable over WO 800 under 35 U.S.C. 103(a) for at least the same reason.

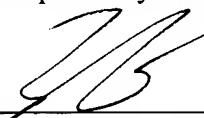
The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

CONCLUSION

Withdrawal of the rejection and allowance of the claims are respectfully requested. If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

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